

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FLEETWOOD INDUSTRIES, INC.;

HERRE BROTHERS, INC.;

HEYCO METALS, INC.;

KIEF INDUSTRIES, INC.;

CHARLES KOENIG WHEEL ALIGNMENT

SERVICE AND GARAGE;

BRIAN R. SCHLAPPICH, INC.;

HUB FABRICATING COMPANY;

KACHEL MOTORS, INC.,

Defendants.

Case No. 00-CV-1818

(Judge Fullam)

MOTION TO ENTER (SECOND) UNCHALLENGED PARTIAL CONSENT DECREE

The United States of America, on behalf of the United States Environmental Protection Agency, respectfully moves this Court to sign and enter the proposed Partial Consent Decree between the United States and defendants Hub Fabricating Company and Kachel Motors, Inc. ("Settling Defendants"). The United States sets forth the following in support of this motion:

1. The United States filed a complaint and an amended complaint in this matter pursuant to Sections 106, 107(a) and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §§ 9606, 9607(a) and 9613.
2. On June 20, 2000, the United States lodged with the Court a proposed Partial

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Decree proposing to settle its claims against the Settling Defendants.¹

3. Pursuant to 28 C.F.R. § 50.7, and as provided in Section II.5 of the proposed Consent Decree, on June 30, 2000, the United States published notice of the proposed Partial Consent Decree in the Federal Register and solicited public comments for thirty days. See 65 Fed. Reg. 40692 (2000). The public comment period has expired and no comments have been received.

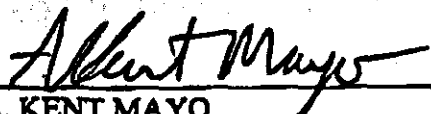
4. The United States concludes that the proposed Partial Consent Decree is fair, reasonable and in the public interest. See, e.g., United States v. Cannons Eng'g Corp., 899 F.2d 79, 84 (1st Cir. 1989).

For the above reasons, the United States respectfully requests that the Court now sign and enter the proposed Partial Consent Decree. No order is attached to this motion because the proposed Partial Consent Decree, on page 18, contains a signature block for the Court's execution.

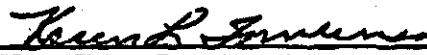
¹ This Partial Consent Decree ("Second Decree") resolves the United States' claims against only defendants Hub Fabricating Company and Kachel Motors, Inc. The United States previously entered into a Partial Consent Decree ("First Decree") with the other six defendants and lodged it with this Court. The United States filed a Motion to Enter Unchallenged Consent Decree with respect to the First Decree on June 22, 2000, which motion is still pending before the Court. We now request that the Court review and enter both the First and Second Decrees, which will resolve the United States' claims against all parties named in this action.

Respectfully submitted,

Dated: August 8, 2000


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CERTIFICATE OF SERVICE

I hereby certify that I caused copies of the United States's Motion to Enter (Second)
Unchallenged Consent Decree by first class mail on August 9, 2000 to the parties listed on the
attached "Service List."



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UNITED STATES OF AMERICA v. FLEETWOOD INDUSTRIES, INC., ET AL.

Case No. 00-CV-1818 (E.D. Pa.)

SERVICE LIST

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